



July 2, 2019

Via Email: 68610-28258513@requests.muckrock.com

Liam Knox
MuckRock News

RE: FOIL Request #2413

Dear Mr. Knox:

This letter responds to your correspondence dated February 7, 2019, which pursuant to FOIL, requested:

A copy of all files relating to New York's bid to host Amazon's second headquarters in Long Island City from 2015-present, both before and after successfully receiving the bid. I am looking for any correspondences between agency/office employees and Amazon employees regarding the bid; any internal correspondences about the bid; any communications with constituents regarding the second headquarters; any memos, correspondences or other documentation of the stipulations or concessions associated with hosting the second headquarters; and any other files that might be related to Amazon's second headquarters and the state's offer to host it.

A record responsive to your request is publically available at the following link:
https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/GAMC_Amazon_Letter.pdf

To the extent your request seeks correspondence between constituents and the Governor, the New York State Executive Chamber ("Executive Chamber") has conducted a diligent search and located 1,662 form letters. Please be advised that there are 6 types of form letters sent from constituents to the Governor. Enclosed, we have provided a sample of each form letter. The Executive Chamber also located 800+ additional pages of records responsive to this portion of your request. These records have been redacted pursuant to Public Officers Law §87(2)(b), as disclosure would constitute an unwarranted invasion of personal privacy. Please be advised that certain portions of these records have also been redacted pursuant to Public Officers Law §87(2)(g), where information constitutes intra-/inter-agency materials.

These records are being transmitted to you on a CD via US mail.

The remainder of your request is denied pursuant to Public Officers Law § 89(3) which requires a request for records to be "reasonably described." In order for a request to be

reasonably described the request should, to the extent practicable, include parameters, such as: the names or roles of custodians to be searched; the names of external parties; specific subject matter and/or search terms; and a reasonable and specific time period.

Please note that whether a request is reasonably described may be dependent upon the nature of an agency's filing or record keeping system and agency employees are not required to engage in herculean or unreasonable efforts to locate records. See *Konigsberg v. Coughlin*, 68 N.Y.2d 245 (N.Y. 1986) and the NYS Committee on Open Government's FOIL Advisory Opinions 18949 and 18863. The Committee on Open Government has explained that "a request for 'all' records, without limitation, that include a certain name, for example, might not be found to reasonably describe the records." (COOG AO-18949 (Aug. 20, 2012)).

The Executive Chamber employs nearly 200 individuals and does not maintain records in a manner that allows all records sent and received by all employees on a given day to be readily accessed, segregated, and reviewed. The broad scope of your request does not sufficiently identify the types of records sought to enable the Executive Chamber to conduct a search and locate responsive records. This denial is without prejudice to submit a new request that reasonably describes the records sought.

Lastly, please note that the Executive Chamber is not the custodian of records for other state agencies.

Pursuant to Public Officers Law § 89(4)(a), you have thirty (30) days to take a written appeal of this determination. You may make an appeal by writing: FOIL Appeals Officer, Executive Chamber, State Capitol, Albany, New York, 12224.

Very truly yours,

A handwritten signature in black ink, appearing to read "Valerie Lubanko", written in a cursive style.

Valerie Lubanko
FOIL Counsel
Records Access Officer